IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

Crl.Rev.Pet.No. 857 of 1999

CC.348/1997 of JUDL.MAGISTRATE OF FIRST CLASS COURT, CHITTUR
.....

REVN. PETITIONER:

FOREST RANGE OFFICER, KOLLANGODE RANGE
REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SMT. LATHA THANKAPPAN

RESPONDENTS:

RADHAKRISHNAN, S/O.PONNU NAIR,
GOVINDAPURAM,
MUTHALALMADA, CHITTUR.

BY ADV. SRI.P.VIJAYA BHANU
SRI.S.R.MANOJ

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO. 3927/1999 IN CRL.R.P.NO. 857/1999

DISMISSED.

10-4-2007 SD/-K.R.UDAYABHANU, JUDGE

TRUE COPY

P.S. TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.857 of 1999

DATED THIS THE 10th day of April 2007

ORDER

The revision petition is filed by the State challenging the order of the court below discharging the accused in C.C.No.348/1997 with respect to the offences under Section 3(1)(i)d of the Kerala Forest (Amendment) Act (2/93) read with Section 2 of the Act 4 of 1962. The prosecution allegation is that the accused purchased and kept the timber logs in his house without valid documents knowing that it is stolen from the Government forest. PWs.1 and 2, the Forest Guard and Forest Range officer respectively were examined and Exts.P1 to P3 were marked. The trial court found that the charge cannot be sustained. The stolen wood involved is valued at Rs.1500/- and the same was found kept in the tea shop of the accused and used for making an almirah. It is mentioned in the complaint filed that the accused himself has admitted that the above timber logs were purchased by his father years back and that the same is put to use during the particular period. The wooden logs were recovered on 12-9-1996. It is the case mentioned that the above wooden logs are portions of the material objects involved in O.R.Nos.1/92 to 4/92,

12/92 to 16/92, 19/92 and 20/92. It is suspected that the above wooden logs involved in the above O.Rs. were taken from the forest and brought to Govindapuram for sale and from the above place the same was purchased by the father of the accused who is no more. The court below has noted that PW1 as well as PW2 have no definite case about the material objects recovered. In the cross examination PW2 has stated that he presumed that the timber logs are involved in the O.R.Nos. mentioned in the mahazar. He could not mention as to from which forest division the wooden logs were removed. The evidence of PW1 is also to the same effect. PW1 has further stated that the wooden logs have been collected for about three years back. He has also stated that there is no case that the accused cut and removed the wooden logs from the forest. In the circumstances and in the absence of any definite case for the prosecution, the court below has rightly discharged the accused. I find no reason to interfere in the above order. The Crl.revision petition is dismissed.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO.857 of 1999

ORDER

10-4-2007